



City of Rochester

Department of Law
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Patrick Beath
Deputy Corporation Counsel

October 14, 2020

BY ECF

Hon. Frank P. Geraci, Jr.
Chief United States District Judge
U.S. Courthouse
100 State Street
Rochester, New York 14614

Re: *Prude v. City of Rochester, et al.*
6:20-cv-6675 (FPG)

Your Honor:

I represent the defendant City of Rochester in this matter, and I write to request that Your Honor extend, *sua sponte*, the time for the individual defendants to answer the complaint to November 9, 2020.

Your Honor previously extended the City's time to answer to November 9, 2020, in the hopes that, by that date, the Monroe County Surrogates Court would have resolved questions as to plaintiff's status of administrator of the estate of Daniel Prude. Upon information and belief, some or all of the individual defendants in this suit were served with process on Friday, October 9, 2020, making their answers due on October 30, 2020. Although I do not presently represent any of the individual defendants in this matter, I ask that the Court *sua sponte* provide a correlative extension of time to November 9, 2020 for these defendants to answer the complaint to give the City additional time to make necessary representation decisions.

Each of the individual defendants was, at the time of the underlying incident, an officer or employee of the City of Rochester Police Department. Pursuant to Rochester City Charter Section 2-23, the City's Corporation Counsel has an obligation to defend and indemnify any employee who is sued as a result of actions taken during the discharge of his duties in the scope of his employment. At present, this office has not had the opportunity to fully evaluate whether each of the named defendant officers was acting in the scope of his employment at the time of the incident. As the Court may be aware, the underlying detention and death of Daniel Prude is currently the subject of a criminal investigation conducted by the New York Attorney General as well as an internal investigation being conducted by the RPD's Professional Standards Section. Until those investigations are concluded, the City's Law Department may not be able to make a fully informed representation decision concerning at least some of the defendant officers.



In light of the foregoing, the undersigned respectfully requests that the Court extend the time for the individual defendants to answer the complaint until November 9, 2020.

Respectfully submitted,

/s/

Patrick Beath
Deputy Corporation Counsel

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